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23. The artificial bait structure of claim¹⁹ 22, wherein the outer edge of each leg defines a convex curve extending from the leg rearward end forwardly to a location adjacent the rearward end of the head. --

REMARKS

The courtesies extended by Examiner Rowan during the personal interview of April 20, 1998 are noted with appreciation.

In the Office Action, claims 1, 3-5, 9-11, 16, 18, 19, 20 and 26 were rejected under 35 USC §102(b) as being anticipated by Adam U.S. Patent D131,135. Claims 2 and 21 were rejected under 35 USC §103(a) as being unpatentable over Adam in view of Coody U.S. Patent 5,065,541. Claims 6-8 and 12-15 were rejected under 35 USC §103(a) as being unpatentable over Adam in view of Koonz et al U.S. Patent 3,122,853. Claims 17 and 28 were rejected under 35 USC §103(a) as being unpatentable over Adam in view of Wilson U.S. Patent 1,986,991. Claims 22-25 were rejected under 35 USC §103(a) as being unpatentable over Adam in view of Stanley et al U.S. Patent 1,535,957. Claim 27 was rejected under 35 USC §103(a) as being unpatentable over Adam.

As discussed at the interview, the artificial bait structure of the present invention possesses distinctions over the prior art which form a basis for patentability, and the claims have been amended to emphasize such distinctions.

Claim 2 has been amended to independent form, incorporating the limitations of original claim 1. Claim 2 specifies that each leg includes a rib extending along the outer edge of the leg between the head and the rearward end of the leg. Claim 2 has been amended to specify that the rib has a thickness greater than that of the leg inwardly of the rib. The ribs, shown in the drawings at 70 and 72, function to reinforce the outer edges of the legs and also to direct water inwardly as the artificial bait structure is drawn through the water.

The Examiner relied upon the Coody patent for showing a rib. However, as pointed out at the interview, Coody shows an artificial lure formed of a sheepskin material or the like, in which the fibers are cut shorter at the rearward end of the lure than at the forward end. The shortened fibers at the rearward end of the lure are the same thickness throughout the width of the lure, and do not make up a rib, as claimed. Claim 2 specifically recites that the rib has a thickness greater than the thickness of the leg inwardly of the rib, which is not shown or suggested by the Coody reference. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 2 is believed allowable.

New claim 29 has been added, and is directed to an artificial bait structure including a head having a forward end and a rearward end, and first and second legs extending rearwardly from the rearward end of the head. Each leg is specified as defining a forward end interconnected with the head and a rearward end spaced rearwardly from the forward end. Each leg, throughout at least a portion of its length rearwardly of its forward end, is specified as defining an increasing width in a forward-to-rearward direction, such that at least a portion of each leg located toward the leg rearward end has a width greater than a portion of each leg located toward the leg forward end. As pointed out at the interview, all of the references show leg structures which taper inwardly in a forward-to-rearward direction, such that the leg decreases in width toward the rearward end of the leg. In direct contrast, the present invention provides legs which have a narrower width at the point of connection to the head than at a location spaced rearwardly therefrom. This structure increases the surface area of the legs rearwardly of the head, providing an increased surface area for water to flow past and to cause the legs to flutter and twist as the artificial bait structure is drawn through the water. The references contain no showing or suggestion of the claimed subject matter. Accordingly, claim 29 and its dependent claims 3-16 are believed to patentably define over the references, and are allowable.

Claim 17 has been amended to independent form, incorporating the limitations of original claim 1. Claim 17 specifies that the inner edge of each leg includes a generally linear portion adjacent the rearward end of the leg. The generally linear portions of the legs are defined as facing each other, and each leg is defined as further including a concave arcuate portion extending toward the outer edge of the leg forwardly of the linear portion.

The references do not show or suggest an artificial bait structure with legs having inner edges as claimed. The Adam and Coody patent show legs whose inner edges form a V-shape, such that the leg inner edges define a rearwardly open V-shape. The Wilson patent shows leg inner surfaces which have a slight inward curvature in a forward-to-rearward direction, but which does not show or suggest legs which have facing linear portions adjacent the rearward end of each leg, as claimed. For these reasons, claim 17 is believed to patentably define over the references, and is allowable.

Claim 18 has also been amended to independent form, incorporating the limitations of original claim 1. Claim 18 specifies that the outer edge of each leg has a generally convex shape defining a substantially continuous arc between the rearward end of the leg and a location spaced forwardly therefrom. Claim 18 further specifies that the width of the leg at a location spaced rearwardly from the leg forward end is greater than the width of the leg at the forward end. The references are not seen to show or suggest the claimed combination of features. Wilson shows

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legs which curve outwardly in a direction rearwardly of the head, and which flare outwardly to an outer end so as to form the shape of frog legs. The Adam patent shows a lure in which the legs decrease in width in a direction toward the rearward end of each leg, and contains no showing or suggestion of a leg having an outer edge with a convex shape in combination with a leg in which the width at the forward end of the leg is less than the width of the leg at a location spaced rearwardly therefrom, as claimed. The Coody patent shows legs with straight outer edges.

In view of the failure of the references to show or suggest the claimed subject matter, it is believed claim 18 patentably defines over the references, and is allowable.

Claim 26 has been amended so as to contain similar language to that noted above with respect to claim 29. For the same reasons as noted with respect to claim 29, claim 26 and its dependent claims 27 and 28 are believed to patentably define over the references, and are allowable.


New claims 31-33 are added to round out the scope of coverage sought by applicant, and to which applicant is believed to be entitled.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 2-18 and 26-33, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Andrew S. McConnell
Reg. No. 32,272

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 623-00027